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Page 1 of 1

Docket No.: ASME~~X~~399A**CUSTOMER NO. 20995**

Applicant : Michael A. Todd  
App. No. : 10/074,564  
Filed : February 11, 2002  
For : THIN FILMS AND METHODS OF  
MAKING THEM  
Examiner : Brook Kebede  
Group Art Unit : 2823

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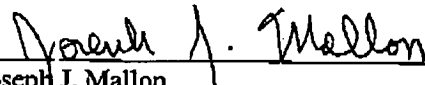
  
Joseph J. Mallon, Reg. No. 39,287

Transmitted herewith for filing and consideration in the above-referenced application are the following  
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(X) Response to Office Communication in two (2) pages.

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Joseph J. Mallon  
Registration No. 39,287  
Attorney of Record  
Customer No. 20,995  
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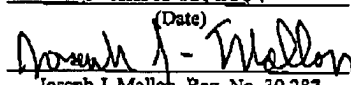
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ASMEX.333A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Michael A. Todd	)	Group Art Unit 2823
			)	
Appl. No.	:	10/074,564	)	CERTIFICATE OF FAX
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Filed	:	February 11, 2002	)	I hereby certify that this correspondence
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			)	date shown below:
Examiner	:	Brook Kebede	)	November 15, 2004
			)	(Date)
			)	
			)	Joseph J. Mallon, Reg. No. 39,287

RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant has received the Office Communication of October 29, 2004. Claims 1-50 and 55-80 are currently pending in this application.

Interview Summary

Applicant appreciates the courtesies extended to Applicant's representative during the telephonic interviews conducted on November 3 and November 10, 2004. The participants in those interviews were the undersigned and Examiner Kebede. The Office Communication of October 29, 2004 was discussed. The undersigned disagreed with the Examiner's position that Applicant's response filed on July 12, 2004 was non-responsive because the Examiner's disagreement with Applicant's listing of claims readable on Species I does not render the response non-responsive. The undersigned pointed out that the application contains claims previously indicated as being allowable by the Office. It was agreed that Applicant would file a response to the Office Communication in which Applicant would elect, with traverse, Species I, and in which Applicant would indicate that Claims 1-2, 5-21, 26-50, and 55-80 are readable on Species I.

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**Election of Species**

Species I, II, III, and IV are set forth in Applicant's Response to Restriction Requirement filed July 12, 2004. Applicant hereby elects, with traverse, Species I for further prosecution on the merits. Claims 1-2, 5-21, 26-50 and 55-80 are readable on Species I. Traversal is on the basis that Claims 22-25 are also readable on Species I because the specification discloses that Si-N may be amorphous. For example, the deposition of amorphous Si-containing films is described in the specification at, e.g., paragraph 0047. The term "Si-containing film" refers to various films, including Si-N films, *see*, e.g., paragraph 0083. The deposition of Si-N films is described in the specification at, e.g., paragraphs 0083 through 0087.

**Allowable Subject Matter**

In the Office Action of September 25, 2003, the Office objected to Claims 10-19, 22-26, 31, 32, 37-41, and 43-46 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. As pointed out in Applicant's response filed December 2, 2003, Claims 55-80 are versions of original Claims 10-19, 22-26, 31, 32, 37-41, and 43-46, respectively, that have been rewritten in the manner suggested by the Office. Therefore, Applicants respectfully request allowance of Claims 55-80.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/15/04

By: Joseph J. Mallon  
Joseph J. Mallon  
Registration No. 39,287  
Attorney of Record  
Custodian No. 20,995  
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